

REMARKS

Claims 28-30, 32-50, and 52-61 are pending in the application. Claims 34, 44 and 54 have been amended. Accordingly, claims 28-30, 32-50, and 52-61 will remain pending in the application upon entry of the amendments presented herein.

Claims 34 and 54 have been amended to claim more fully the invention and claim 44 has been amended to correct a minor typographical omission. Support for the claim amendments can be found in the specification and claims as originally filed. In particular, support for the amendments to claims 34 and 54 can be found at least, for example, at page 11, lines 2-8 (describing illustrative labeling methods); pages 18-19 (describing FITC labeling); and in the Examples, which describe the use of particular entities that are detectably-labeled. No new matter has been added.

Unless otherwise specified, reference herein to a specification page number refers to the specification published as WO 2004/006966 (PCT/IB2003/002785).

Amendment and cancellation of the claims herein should in no way be construed as acquiescence to any of the rejections set forth in the Advisory Action or any previous Office Action, and were done solely to expedite prosecution. Applicant reserves the right to pursue the claims as originally filed in this or one or more separate applications.

Applicant gratefully acknowledges the Examiner's issuance of the very helpful Advisory Action dated June 6, 2008 and entry of Applicant's Amendment and Response to Final Office Action and Request for Reconsideration under 35 U.S.C. §1.116.

Obviousness-type Double-Patenting Rejection

At page 2 of the Advisory Action, claims 28, 48, 60 and 61 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 28 of U.S. Patent 7,358,379.

Although Applicant respectfully disagrees with the rejection, in order to expedite prosecution and secure allowance of the application, Applicant submits herewith a Terminal Disclaimer and Rule 73(b) Statement executed by an authorized officer of Bionature E.A. Limited, current assignee of the application. Applicant respectfully requests that the Examiner withdraw the obviousness-type double patenting rejection.

Claim Objection

Claim 44 was objected to for having a grammatical error. Claim 44 has been amended to correct a minor typographical omission, thereby obviating the objection. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the objection.

Rejection under 35 U.S.C. §112, Second Paragraph

Claims 34 and 54 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Although Applicant respectfully disagrees with the stated basis for rejecting the claims, Applicant believes that the amendments to claims 34 and 54 presented herein obviate the rejection. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection.

CONCLUSION

In view of the foregoing, Applicant respectfully requests entry of the amendments and remarks presented herein, reconsideration and withdrawal of all remaining objections and rejections and allowance of the application with all claims presented herein. If a telephone conversation with Applicant's attorney would serve to expedite further prosecution of the application, Applicant invites the Examiner to contact the undersigned at the telephone number shown below.

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Respectfully submitted,

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